

REMARKS

The Official Action dated April 11, 2001, has been carefully considered. Accordingly, the changes and remarks presented herewith are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

Claims 1 and 11-14 have been amended to include limitations from the specification at page 5, while claim 6 is amended for a matter of form. Attached hereto is "**Version with Markings to Show Changes Made,**" showing the changes made to the claims by the current amendment. Claims 15-21 are added, these claims finding support throughout the specification and examples, particularly at pages 5, 20 and 23, and in the original claims. It is believed that these changes do not involve any introduction of new matter, whereby entry is believed to be in order and is respectfully requested.

Claims 1-8 and 11-14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the James et al U.S. Patent 5,674,591 (hereinafter referred to as "James et al") in view of the Blieszner et al U.S. Patent 5,648,083 (hereinafter referred to as "Blieszner et al") and the Pregozen U.S. Patent 5,141,803 (hereinafter referred to as "Pregozen"). The Examiner asserted that James et al disclose a fabric comprising a substantially planar background portion and at least one raised portion integrally forming a three-dimensional pattern projected out of the planar background portion, wherein the background portion and at least one raised portion have an equal basis weight and density, but that James et al fail to teach an aqueous liquid cleansing composition. The Examiner asserted that Blieszner et al broadly disclose the use of an emulsifier and additional components such as water-soluble polyols, pH-adjusting agents, antimicrobial agents and chelating agents, and that Pregozen discloses specific concentration levels for various compositional components such as skin moisturizers and humectants, skin softeners and emollients, surfactants, citric acid and biocides.

However, as will be set forth in detail below, it is submitted that the personal cleansing wipe articles and processes for preparing such personal cleansing wipe articles as defined by claims 1-8 and 11-14 are non-obvious over and patentably distinguishable from James et al in view of Blieszner et al and Pregozen. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

— The personal cleansing wipe articles of the present invention, as defined by claim 1, on which claims 2-8 depend, and claims 11-12, require a single layer, nonwoven substrate having a base surface with a three-dimensional pattern on a substantial portion thereof, which pattern comprises a plurality of discrete, raised fibrous regions, and an aqueous liquid cleansing composition comprising an effective amount of a cleansing surfactant. The cleansing surfactant comprises at least one anionic surfactant, and the cleansing composition is coated onto or impregnated into the substrate to the extent from about 100% to about 400% by weight of the substrate. According to claim 1, the raised fibrous regions have a density which is substantially the same as the density of the base surface. According to claim 11, the substrate is nonembossed. According to claim 12, the three-dimensional pattern is formed as the fibers are being entangled.

In contrast, James et al disclose a nonwoven fabric having raised portions. The nonwoven fabric comprises a substantially planar background portion and at least one raised portion integrally forming a three-dimensional pattern projected out of the planar background portion, wherein the fabric includes a transition regions between the raised portion and the background. However, Applicants find no teaching or suggestion by James et al of a personal cleansing wipe or relating to a substrate as defined by claims 1, 11 or 12 in combination with a cleansing composition comprising an effective amount of a cleansing surfactant, particularly wherein the cleansing surfactant comprises at least one anionic surfactant and the cleansing composition is coated onto or impregnated into the substrate to

the extent from about 100% to about 400% by weight of the substrate.

The deficiencies of James et al with respect to claim 1, on which claims 2-8 depend, and claims 11-12 are not resolved by Blieszner et al and/or Pregozen. Moreover, James et al in combination with Blieszner et al and Pregozen do not render the limitations of claims 2-8 obvious. First, Applicants find no teaching or suggestion by these references relating to personal cleansing wipe articles comprising a substrate as defined in claim 1, 11 or 12 in combination with an aqueous liquid cleansing composition. Moreover, Applicants find no teaching or suggestion relating to such personal cleansing wipe articles comprising an effective amount of a cleansing surfactant including at least one anionic surfactant and being coated onto or impregnated into the substrate to the extent of from about 100% to about 400% by weight of the substrate, as also required by claim 1. Rather, James et al merely disclose a fabric and Blieszner et al and Pregozen only broadly disclose substrates in combination with various compositions, but provide no teaching or suggestion relating to cleansing compositions as employed in the personal cleansing wipe article of present claims 1-8, 11 and 12.

It is well settled that to support a rejection under 35 U.S.C. § 103, a reference must provide an enabling disclosure, i.e., it must place the claimed invention in the possession of the public. *In re Payne*, 203 U.S.P.Q. 245 (CCPA 1979). Not only do Applicants fail to find any teaching, suggestion or motivation for combining James et al with Blieszner et al and Pregozen, this combination of references does not result in the personal cleansing wipe articles of claims 1-8, 11 and 12 which require a single layer, nonwoven substrate including an aqueous liquid cleansing composition comprising at least one anionic surfactant.

Additionally, James et al in combination with Blieszner et al and Pregozen do not teach or suggest the combinations of aqueous liquid cleansing composition elements set forth in claims 6-8. Claims 6-8 recite specific limitations with respect to the aqueous liquid

cleansing composition that is coated or impregnated into the substrate as set forth in claim 1. Particularly, claim 6 requires that the aqueous liquid cleansing composition comprises from about 0.5% to about 12.5% of the cleansing surfactant and from about 0.5% to about 5% of a lipophilic skin moisturizing agent. According to claim 7, the wipe article of claim 6 further comprises from about 1% to about 60% of a drying agent, while according to claim 8 the drying agent is isoparaffin.

The composition requirements recited in claims 6-8 are not rendered obvious by James et al, Blieszner et al and Pregozen. Blieszner et al broadly disclose the use of certain ingredients such as moisteners, humectants and emollients, and powders, but do not sufficiently teach or suggest the presently claimed compositions as a whole. Similarly, Pregozen does not teach or suggest the specific combination of components and amounts required by claims 6-8, respectively. The Examiner cannot pick and choose among the individual elements of assorted prior art references to recreate the claimed invention; rather, the Examiner has the burden to show some teaching or suggestion in the references to support their use in the particular claimed combination. *Smithkline Diagnostics, Inc. v. Helena Laboratories Corp.*, 8 U.S.P.Q.2d 1468, 1475 (Fed. Cir. 1988); *Symbol Technologies, Inc. v. Opticon*, 19 U.S.P.Q.2d 1241, 1246 (Fed. Cir. 1991). Moreover, the teaching or suggestion to combine references may not be assumed merely by the fact that references related to the same general art. *In re Geiger*, 2 U.S.P.Q.2d 1276, 1278 (Fed. Cir. 1987); *Smithkline Diagnostics, Inc. v. Helena Laboratories, supra*. The Examiner is attempting to pick and choose elements from James et al, Blieszner et al and Pregozen in the absence of any motivation to combine the teachings of the references. Thus, the Examiner has not met the requisite burden.

It is therefore submitted that the personal cleansing wipe articles as defined in claims 1-8, 11 and 12 are non-obvious over and patentably distinguishable from James et al in combination with Blieszner et al and Pregozen and the rejection of claims 1-8, 11 and 12

under 35 U.S.C. § 103 has been overcome. Reconsideration is respectfully requested.

In addition, James et al in combination with Blieszner et al and Pregozen fail to teach or suggest the present invention as defined by claim 13. Claim 13 recites processes for preparing a personal cleansing wipe article. The processes comprise (1) placing a web of fibers on a foraminous forming plate or topographical support member comprising an essentially planar background surface with at least one recessed region significantly displaced from the background surface of the forming plate; (2) applying fluid force to the upper surface of the fibrous web such that the fibers become entangled and a patterned substrate is formed; (3) transporting the fluid away from the patterned substrate; and (4) coating or impregnating the patterned substrate with an aqueous cleansing composition comprising an effective amount of a cleansing surfactant comprising at least one anionic surfactant to the extent of from about 100% to about 400% by weight of the substrate. In contrast, James et al disclose preparing a nonwoven fabric comprising a substantially planar background portion and at least one raised portion integrally forming a three-dimensional pattern projected out of the planar background portion, wherein the fabric includes a transition regions between the raised portion and the background. Applicants find no teaching or suggestion by James et al of a process for preparing substrate as defined by claim 13, including coating or impregnating an aqueous cleansing composition comprising an effective amount of a cleansing surfactant, onto or into a substrate to the extent from about 100% to about 400% by weight of the substrate, particularly wherein the cleansing surfactant comprises at least one anionic surfactant.

The deficiencies of James et al with respect to claim 13 are also not resolved by Blieszner et al and/or Pregozen. Applicants find no teaching or suggestion by Blieszner et al and Pregozen relating to processes employing a cleansing surfactant comprising at least one anionic surfactant. Thus, the processes of coating or impregnating the patterned substrate

with an aqueous liquid cleansing composition as recited in claim 13 are not rendered obvious by the compositions of Blieszner et al and/or Pregozen. In view of the failure of James et al, Blieszner et al and Pregozen to teach or suggest the combination of the process of forming a patterned substrate and subsequently coating or impregnating the patterned substrate with an aqueous liquid cleansing composition as required by claim 13, these references do not place the invention of claim 13 in the possession of the public and therefore do not support a rejection of claim 13 under 35 U.S.C. § 103. *In re Payne, supra.*

It is therefore submitted that the processes for preparing personal cleansing wipe articles as defined by claim 13 are non-obvious over and patentably distinguishable from James et al in view of Blieszner et al and Pregozen, whereby the rejection of claim 13 under 35 U.S.C. § 103 has been overcome. Reconsideration is respectfully requested.

Finally, James et al in combination with Blieszner et al and Pregozen fail to teach or suggest the present invention as defined in claim 14. Claim 14 recites personal cleansing wipe articles comprising a nonwoven substrate and an aqueous liquid cleansing composition. The composition comprises from about 0.5% to about 12.5% by weight of a cleansing surfactant comprising at least one anionic surfactant; from about 0.1% to about 30% of a lipophilic skin moisturizing agent; and from about 1% to about 60% of a drying agent which comprises isoparaffin. The aqueous liquid cleansing composition is coated onto or impregnated into the substrate to the extent of from about 100% to about 400% by weight of the substrate.

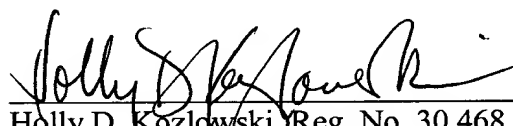
Applicants find no teaching or suggestion by Blieszner et al and Pregozen relating to _____ compositions comprising a cleansing surfactant comprising at least one anionic surfactant, lipophilic skin moisturizing agent and a drying agent comprising isoparaffin, particularly in the ranges required by claim 14. In fact, Applicants find no teaching in either reference of compositions comprising an anionic surfactant or a drying agent, specifically isoparaffin.

Thus, the aqueous liquid cleansing composition as recited in claim 14 are not rendered obvious by the compositions of Blieszner et al and/or Pregozen. In view of the failure of James et al, Blieszner et al and Pregozen to teach or suggest the combination of aqueous liquid cleansing composition components and ranges thereof required by claim 14, these references do not place the invention of claim 14 in the possession of the public and therefore do not support a rejection of claim 14 under 35 U.S.C. § 103. *In re Payne, supra*.

It is therefore submitted that the personal cleansing wipe articles as defined by claim 14 are non-obvious over and patentably distinguishable from James et al in view of Blieszner et al and Pregozen, whereby the rejection of claim 14 under 35 U.S.C. § 103 has been overcome. Reconsideration is respectfully requested.

It is believed that the above amendments and remarks represent a complete response to the Examiner's rejections under 35 U.S.C. § 103 placing the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 1, 6 and 11-14 have been amended as follows:

1. (Twice Amended) A personal cleansing wipe article having superior softness, feel and cleansing properties, which wipe article comprises:

A. a single layer, nonwoven substrate formed from hydroentangled fibers, said substrate having on a substantial portion of a base surface thereof a three-dimensional pattern, which pattern comprises a plurality of discrete, raised fibrous regions, wherein the raised fibrous regions have a density which is substantially the same as the density of the base surface, and wherein said raised fibrous regions are joined to said base surface by a fibrous transition region; and

B. an aqueous liquid cleansing composition comprising an effective amount of a cleansing surfactant, wherein the cleansing surfactant comprises at least one anionic surfactant, and wherein said aqueous liquid cleansing composition is [being] coated onto or impregnated into said substrate to the extent of from about 100% to about 400% by weight of the substrate.

6. (Amended) A personal cleansing wipe article according to Claim 1 wherein the aqueous cleansing composition comprises:

- a. from about 0.5% to about 12.5% of [a] the cleansing surfactant; and
- b. from about 0.5% to about 5% of a lipophilic skin moisturizing agent.

11. (Twice Amended) A personal cleansing wipe article having superior softness, feel and cleansing properties, which wipe article comprises:

A. a single layer, nonembossed, nonwoven substrate formed from hydroentangled fibers, said substrate having on a substantial portion of a base surface thereof a three-

dimensional pattern, which pattern comprises a plurality of discrete, raised fibrous regions, wherein said raised fibrous regions are joined to said base surface by a fibrous transition region; and

B. an aqueous liquid cleansing composition comprising an effective amount of a cleansing surfactant, wherein the cleansing surfactant comprises at least one anionic surfactant, and wherein said aqueous liquid cleansing composition is [being] coated onto or impregnated into said substrate to the extent of from about 100% to about 400% by weight of the substrate.

12. (Twice Amended) A personal cleansing wipe article having superior softness, feel and cleansing properties, which wipe article comprises:

A. a single layer, nonwoven substrate formed from hydroentangled fibers, said substrate having on a substantial portion of a base surface thereof a three-dimensional pattern, which pattern comprises a plurality of discrete, raised fibrous regions, wherein said raised fibrous regions are joined to said base surface by a fibrous transition region; and

B. an aqueous liquid cleansing composition comprising an effective amount of a cleansing surfactant, wherein the cleansing surfactant comprises at least one anionic surfactant, and wherein said aqueous liquid cleansing composition is [being] coated onto or impregnated into said substrate to the extent of from about 100% to about 400% by weight of the substrate;

wherein said three-dimensional pattern is formed as the fibers are being entangled.

13. (Amended) A process for preparing a personal cleansing wipe article having superior softness, feel and cleansing properties, which process comprises:

A. placing a web of fibers on a foraminous forming plate or topographical

support member comprising an essentially planar background surface with at least one recessed region significantly displaced from the background surface of the forming plate;

B. applying fluid force to the upper surface of the fibrous web such that the fibers become entangled and a patterned substrate is formed;

C. transporting the fluid away from the patterned substrate; and

D. coating or impregnating the patterned substrate with an aqueous cleansing composition comprising an effective amount of a cleansing surfactant to the extent of from about 100% to about 400% by weight of the substrate, wherein the cleansing surfactant comprises at least one anionic surfactant.

14. (Twice Amended) A personal cleansing wipe article having reduced stickiness impression, which wipe article comprises:

A. a nonwoven substrate; and

B. an aqueous liquid cleansing composition comprising:

1. from about 0.5% to about 12.5% by weight of a cleansing surfactant comprising at least one anionic surfactant;
2. from about 0.1% to about 30% of a lipophilic skin moisturizing agent;
and
3. from about 1% to about 60% of a drying agent which comprises isoparaffin;

wherein said aqueous liquid cleansing composition is coated onto or impregnated into said substrate to the extent of from about 100% to about 400% by weight of the substrate.